

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37965 of 2014

Arising Out of PS.Case No. -418 Year- 2013 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Kameshwar Singh Son of Late Anirudh Singh.
 2. Arun Kumar Singh Son of Late Baiju Singh.
 3. Sonalal Sah Son of Late Pakkalal Sah All resident of Village - Sankar Saraiya, P.S. - Turkauliya, Distt. - East Champaran at Motihari.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.45807 of 2014

Arising Out of PS.Case No. -418 Year- 2013 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Sakaldeo Mishra Son of Sri Chandrama Mishra Resident of Jai Prakash Nagar(I.T.I.), Bettiah, Police Station- Bettiah Mufssil, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.37965 of 2014)

For the Petitioner/s : Mr. Ravi Shanker Pankaj

For the Opposite Party/s : Mr. Sucheta Yadav(App)

(In Cr.Misc. No.45807 of 2014)

For the Petitioner/s : Mr. Amrendra Kr @ Dr. Amrendra Kr

For the Opposite Party/s : Mr. Smt. Shaheen Begam (Aap)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 07-08-2015 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in connection
with Turkauliya P.S. Case No. 418 of 2013 registered for the
offences punishable under Sections 406, 409, 420, 427, 201
and 120B other Sections of the Indian Penal Code.

Learned counsel for the petitioners submits that



vide order dated 24.12.2014, the petitioners were given interim protection in connection with the present case. Thereafter, the diary was called for and the same has since been received. It is further submitted that as per the contract, even after completion of the work, the petitioner was required to maintain the roads, constructed by them and therefore, the allegation made by the informant, is nothing but the outcome disgruntlement of the informant occasioned on account of the fact that the contract had not been awarded to him and as such, the petitioners have been roped in this malicious prosecution. It is further submitted that in the case diary, also it has come on record that these petitioners had constructed the road and had drawn the amounts, as awarded under the contract and therefore, the allegation, that the roads were not constructed, is not entirely true. It is further submitted that the informant has no locus to file the present first information report and is a busy body creating obstructions in the conduct of government work.

Learned counsel for the informant has appeared and has referred several paragraphs of the case diary, in which, he tried to point out to this court that the petitioners having been confronted with the fact that the road, in question, had not been constructed and that it was of a sub-standard quality, had hurriedly engaged themselves in re-doing their job, of which, videography was done and the same was brought to the notice of the authorities concerned.

Learned counsel for the State has also drawn my attention towards several paragraphs of the case diary wherein the petitioners have been said to have engaged themselves in either repair work or in complete construction so as to make good their lapses. Learned counsel for the State further points out that the informant had himself, in order to secure contract which was ultimately awarded to the petitioners, invested some money by filling up some ditches and when the contract was not awarded to him, the informant has instituted the case out of sheer malice and vendetta against the petitioners and also some officers.

Considering the aforesaid submissions, the role of the informant and the materials, which have surfaced in the case diary, let the petitioners above named, in the event of their arrest or surrender before the court below within a period of two weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari in connection with Turkauliya P.S. Case No. 418 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Anjana Mishra, J)

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